

January 16, 2009

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 16, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2008

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD DECEMBER 18, 2008?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	164.....	9
Agriculture	446.....	16
Arts Council.....	21.....	2
Capitol Development Board	36.....	0
Central Management Services	1,486.....	107
Children and Family Services	3,174.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	412.....	67
Commerce Commission.....	73.....	0
Corrections.....	11,619.....	115
Criminal Justice Authority	55.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	94.....	5
Employment Security.....	1,737.....	25
Environmental Protection Agency	972.....	19
Financial & Professional Regulation	743.....	50
Guardianship and Advocacy	108.....	8
Healthcare and Family Services.....	2,469.....	29
Historic Preservation Agency	229.....	12
Human Rights Commission	14.....	2
Human Rights Department	147.....	10
Human Services	14,477.....	77
Investment Board.....	3.....	2
Juvenile Justice	1,178.....	20
Labor.....	82.....	7
Labor Relations Board Educational	13.....	2
Labor Relations Board State	20.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission	2.....	0
Military Affairs	127.....	3
Natural Resources	1,399.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	20.....	1
Public Health.....	1,121.....	45
Revenue	2,122.....	70
State Fire Marshal	147.....	13
State Police	1,418.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	84.....	2
Transportation	3,727.....	0
Veterans' Affairs.....	1,105.....	7
Workers' Compensation Commission	171.....	10
TOTALS	51,300.....	828

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Illinois Department of Children and Family Services – Proposed Exemption (continued from December 18, 2008)

Position Number	40070-16-13-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Residential Monitoring
Functional Title	Associate Deputy Director of Residential Monitoring
Incumbent	Norman Brown
Supervisor	Deputy Director of Monitoring/Quality Assurance, who reports to Chief of Staff, who reports to the Director
Location	Cook County

CMS Recommendation: “The position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Dept. of Commerce and Economic Opportunity– Proposed Exemption

Position Number	40070-42-00-005-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Equal Opportunity Monitoring and Compliance
Functional Title	Managing Director, Equal Opportunity Compliance
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Corrections – Proposed Exemption

Position Number	40070-29-00-000-06-02
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Policy Advisor for the Northern Region
Incumbent	Vacant
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

C: Associate Deputy Director of Residential Monitoring

D: Managing Director, Equal Opportunity Compliance

E: Policy Advisor for the Department of Corrections, Northern Region

V. CLASS SPECIFICATION

- None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	11/30/08	12/31/08	12/31/07
Agriculture	1	0	0
Central Management Services	2	2	4
Children and Family Services	5	3	4
Employment Security	7	5	0
Healthcare and Family Services	11	9	6
Historic Preservation	0	0	2
Human Services	1	0	3
Investment Board	1	0	0
Natural Resources	13	14	23
State Police	1	1	0
State Retirement Systems	1	0	0
Transportation	6	17	45
Veteran's Affairs	11	2	1
Workers' Compensation Commission	6	5	0
Totals	66	58	88

IX. INTERLOCUTORY APPEALS

• DISCHARGE

DA-8-09

Employee	Gina P. Yurevich	Appeal Date	09/02/08
Agency	DHS	Decision Date	12/30/08
Type	Discharge	ALJ	Andrew Barris
Issue	Motion to Dismiss for no jurisdiction	Recommended Decision	Grant Motion to Dismiss

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?

• DISCHARGE

DA-14-09

Employee	Gail D. Lemon	Appeal Date	10/22/08
Agency	DVA	Decision Date	01/02/09
Type	Discharge	ALJ	Daniel Stralka
Issue	Motion to Dismiss for no jurisdiction	Recommended Decision	Grant Motion to Dismiss

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?

X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

• SUSPENSION

S-38-08

Employee	Leo Padzunas	Appeal Date	03/27/08
Agency	DHS	Decision Date	01/02/09
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Refusal of mandated overtime	Recommended Decision	Charges are proven; 20-day suspension is warranted.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

January 16, 2009

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

DA-20-09

Employee	Stephen Pincsak	Appeal Date	12/03/08
Agency	DOC	Decision Date	12/19/08
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, February 20, 2009 at 11:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN